| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/964,036 | 09/26/2001 | John Joseph Mazzitelli | 10015525-1 | 9901 |

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| 7590 05/24/2007<br>HEWLETT-PACKARD COMPANY<br>Intellectual Property Administration<br>P.O. Box 272400<br>Fort Collins, CO 80527-2400 | **EXAMINER**<br>BIAGINI, CHRISTOPHER D |

| ART UNIT | PAPER NUMBER |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>09 February 2007</u>.

2a)☐ This action is **FINAL**.  2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☒ Other: *Requirement for Information*.

## DETAILED ACTION

### *Response to Declaration*

1.     The declaration filed on February 9, 2007 under 37 CFR 1.131 has been

considered but is ineffective to overcome the Wu et al. (US Pat. No. 6,865,680)

reference. The declaration is not sufficient for the following reasons:

    a.     The evidence submitted is insufficient to establish a reduction to practice

of the invention in this country or a NAFTA or WTO member country prior to the

effective date of the Wu et al. reference. The declaration and submitted Exhibit A

fail to show that the invention was sufficiently tested. The declaration contains a

general allegation that "the subject matter of [Applicant's] invention was

incorporated into the Hewlett-Packard product 'Total-e-Mobile 1.0,'" and

submitted Exhibit A states that the invention was "built...and released," but

evidence of actual reduction to practice requires a showing that the invention

existed in a physical or tangible form and was tested to demonstrate that it

worked for its intended purpose.

    b.     The declaration does not establish that this is a situation where the

assignee can make the declaration. It is unclear how the mere fact that the

inventor is no longer employed by Hewlett-Packard makes it "not possible to

produce the inventor's declaration" (see MPEP § 715.04 (D)). There is no

statement in the declaration that Mr. Mazzitelli's whereabouts are unknown, he

refused to sign, he is deceased, or any other evidence that he is in fact

unavailable. The fact that Mr. Mazzitelli may no longer work for Hewlett-Packard

may make obtaining the declaration inconvenient, but there is no evidence that it

was "not possible" to produce his declaration.

2.      Therefore, the rejection of claims 1-23 is maintained.


### *Requirement for Information Under 37 C.F.R. § 1.105*

3.      Attached to this Office action is a requirement for information under 37 C.F.R. §

1.105. A complete response to this action must include a complete response to the

requirement. The time period for reply to the requirement coincides with the time period

for reply to this action, which is THREE months.


### *Claim Rejections - 35 USC § 102*

4.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.      Claims 1-12 and 14-23 are rejected under 35 U.S.C. 102(e) as being anticipated

by Wu et al. (US Pat. No. 6,865,680, hereinafter "Wu").


6.      Regarding claim 1, Wu teaches a method for managing state data comprising:

- identifying state data from a response structured using an Internet communications protocol to be delivered to a uniquely identifiable client enabled to communicate using the Internet communications protocol (Wu, col. 11, lines 57-67, in which the session ID is of the form of a cookie which is implemented on the Internet platform, see col. 3, lines 39-40);

- associating the state data with the client (see col. 12, lines 7-26);

- storing the state data in a data storage area remote from the client (see col. 12, lines 4-6); and

- delivering the response to the client (see Fig. 5, element 71, where the session ID and IP address is passed back to the user).

7.      Regarding claim 2, Wu shows the limitations of claim 1 as applied above, and further shows:

- receiving a request structured using the Internet communications protocol from the client (see col. 4, lines 60-63);

- identifying a client ID of the client (see col. 5, lines 2-5);

- modifying the request by adding the state data from the data storage area to the request; and sending the modified request to a web server (Wu, col. 11, lines 48-50).

8.      Regarding claim 3, Wu shows the limitations of claim 2 as applied above, and further shows:

- determining whether the client ID is recognized (see col. 5, lines 2-5, in which the session ID is retrieved from the data source that is to ensure the client ID is recognized); and

- modifying the request by adding the state data from the data storage area to the request if the client ID is recognized (see col. 11, lines 48-50).

9.      Regarding claim 4, Wu shows the limitations of claim 1 as applied above, and further shows wherein the client is a wireless device (see col. 8, lines 45-46).

10.     Regarding claim 5, Wu shows the limitations of claim 5 as applied above, and further shows wherein the client utilizes one of the protocols from the group consisting of a wireless application protocol and a HyperText Transfer protocol (see col. 2, lines 1-3).

11.     Regarding claim 6, Wu shows the limitations of claim 1 as applied above, and further shows wherein the data storage area comprises a database (see col. 11, line 65 and col. 12, lines 5-6).

12.     Regarding claim 7, Wu shows the limitations of claim 1 as applied above, and further shows associating the state data with the client using a database (see col. 12, lines 10-11).

13.    Regarding claims 8-11, the claims have similar limitations as claims 1-4.

Therefore, claims 8-11 are rejected for the reasons set forth in the rejection of claims 1-

4.


14.    Regarding claims 14-15, the claims have similar limitations as claims 6-7.

Therefore, claims 14-15 are rejected for the reasons set forth in the rejection of claims

6-7.


15.    Regarding claims 16-22, the claims have similar limitations as claims 1-7.

Therefore, claims 16-22 are rejected for the reasons set forth in the rejection of claims

1-7.


16.    Regarding claims 12 and 23, Wu shows the limitations of claims 8 and 16 as

applied above, and further shows wherein the application software comprises one of a

plurality of receivers in the server, the receivers each operable to receive and transfer

messages using a unique protocol (see col. 2, lines 20-25).


## *Claim Rejections - 35 USC § 103*

17.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

18.. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Gosling et al. (US Pat. No. 5,928,323, hereinafter "Gosling").

19. Wu shows the limitations of claim 8 as applied above, but does not show wherein the application comprises at least one class implemented in the Java language.

20. Gosling shows an application (comprising a servlet) comprising at least one class implemented in the Java language (comprising the HttpServlet class). See col. 5, line 55 to col. 6, line 21.

21. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Wu to use Java servlets as taught by Gosling in order to provide a server application that does not have to fork a new process to handle client requests (see Gosling, col. 1, lines 43-51 and col. 6, lines 22-27).

## *Conclusion*

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

23. Bhasin et al. (US PGPUB 2003/0177196) shows maintaining HTTP cookies at a proxy server on behalf of a memory-limited wireless device.

24. Brown et al. (US Pat. No. 6,961,759) also shows maintaining HTTP cookies at a proxy server on behalf of a memory-limited wireless device.

25. Massarani et al. (US Pat. No. 6,751,654) shows simulating HTTP cookie support for clients which cannot support them.

26.    The "HTTP State Management Specification" describes a specification regarding

maintaining HTTP cookies at a proxy server on behalf of a memory-limited wireless

device.

27.    The "WAP Forum Members List" shows the state of membership in the Wireless

Application Protocol Forum, authors of the aforementioned standard, as of March 1,

2000.

28.    "OMA Membership – Current Members" shows the current state of membership

in the Open Mobile Alliance, an organization which has taken over the Wireless

Application Protocol Forum.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher D. Biagini whose telephone number is (571)

272-9743.  The examiner can normally be reached on M-R 7:30-5, 7:30-4 alternate

Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell can be reached on (571) 272-3868.  The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Christopher D. Biagini
(571) 272-9743

May 15, 2007

### *Requirement for Information Under 37 CFR § 1.105*

1.      Applicant and the assignee of this application are required under 37 CFR § 1.105

to provide the following information that the examiner has determined is reasonably

necessary to the examination of this application.

2.      The information is required to document the level of skill and knowledge in the art

of managing state data on behalf of remote clients.

- In response to this requirement, please provide a copy of the documents named

  "WAP-223-HTTPSM-20000530-d" and "WAP-223-HTTPSM-20000922-d,"

  described on p. 5 of the attached "HTTP State Management Specification" as

  draft versions of the specification. The attached documents "WAP Forum

  Members List" and "OMA Membership – Current Members" indicate that Hewlett-

  Packard, assignee of the present application, was and is a member of the

  standards body responsible for drafting the specification, and therefore likely has

  access to documents not available to the Office. Additionally, please provide the

  author(s) of the drafts, information regarding the degree to which the drafts were

  disseminated to the public or other members of the WAP Forum and Open

  Mobile Alliance, and the dates on which any such dissemination occurred.

- In response to this requirement, please provide copies of any other drafts of, releases of, or discussions related to the "HTTP State Management Specification" or any other relevant specification. Additionally, please provide the author(s) of the documents, information regarding the degree to which the documents were disseminated to the public or other members of the WAP Forum and Open Mobile Alliance, and the dates on which any such dissemination occurred.

- In response to this requirement, please provide the citation and a copy of each publication that any of the applicants relied upon to develop the disclosed subject matter that describes the applicant's invention. For each publication, please provide a concise explanation of the reliance placed on that publication in the development of the disclosed subject matter.


3.    The fee and certification requirements of 37 CFR § 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR § 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR § 1.105 are subject to the fee and certification requirements of 37 CFR § 1.97.

4.    In responding to those requirements that require copies of documents, where the

document is a bound text or a single article over 50 pages, the requirement may be met

by providing copies of those pages that provide the particular subject matter indicated in

the requirement, or where such subject matter is not indicated, the subject matter found

in applicant's disclosure.

5.    The applicant is reminded that the reply to this requirement must be made with

candor and good faith under 37 CFR § 1.56. Where the applicant does not have or

cannot readily obtain an item of required information, a statement that the item is

unknown or cannot be readily obtained will be accepted as a complete response to the

requirement for that item.

6.    This requirement is an attachment of the enclosed Office action. A complete

response to the enclosed Office action must include a complete response to this

requirement. The time period for reply to this requirement coincides with the time period

for reply to the enclosed Office action, which is THREE months.

May 15, 2007                                                   ANDREW CALDWELL
                                                            SUPERVISORY PATENT EXAMINER